



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/581,256 | 05/31/2006 | Mitsuhiro Okune | 2006_0772A | 1821 |

52349 7590 08/05/2010
WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington, DC 20005-1503

| |
|----------|
| EXAMINER |
|----------|

DAHIMENE, MAHMOUD

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

1713

| | |
|-------------------|---------------|
| NOTIFICATION DATE | DELIVERY MODE |
|-------------------|---------------|

08/05/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ddalecki@wenderoth.com
coa@wenderoth.com

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/581,256 | Applicant(s) OKUNE ET AL. | |
| | Examiner MAHMOUD DAHIMENE | Art Unit 1713 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20, 24-27 and 31-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20, 24-27, 31-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 20, 24, 25, 26, 27, 33, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lahaug (US 6,338,938) in view of Mimura et al. (US 7,022,616) and McReynolds (US 6,191,043).

4. Regarding claims 20, Lahaug discloses a method of forming semiconductor devices wherein a silicon dry etch utilizing SF₆ and helium is used without oxygen gas (column 3, line 49).

5. It is noted that, in applicant's claim 20, the preamble describes "performing plasma etching to a silicon-on-insulator (SOI) substrate, however, the claim does not

Art Unit: 1713

specify that the silicon and the insulator are both etched, therefor, the examiner interprets the claim as etching only the silicon layer which is equivalent to etching silicon on any substrate since the insulator under layer is apparently not affected by the etching. The claims are silent about etching an insulator below a silicon layer.

6. It is also noted that Lahaug is silent about electricity having a frequency equal to or more than 27 MHz.

7. Mimura discloses a method of high speed silicon etching wherein both the etching rate and selectivity increase when the RF frequency is near 27 MHz or higher (fig. 8) (column 8, line 18) .The frequency of 27 MHz or more is preferable for increasing the plasma density above the silicon wafer (column 8, line 6). Mimura appears to suggest that the preferred frequency is independent of the specific gas chemistry used for etching since a number of etching chemistries are used.

8. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the process of Lahaug to perform the etching with an RF frequency of 27 MHz or higher because Mimura discloses a method of high speed silicon etching wherein both the etching rate and selectivity increase when the RF frequency is near 27 MHz or higher (fig. 8) (column 8, line 18) .The frequency of 27 MHz or more is preferable for increasing the plasma density above the silicon wafer (column 8, line 6). Mimura appears to suggest that the preferred frequency is independent of the specific gas chemistry used for etching since a number of etching chemistries are used.

Art Unit: 1713

9. One of ordinary skill in the art would have been motivated to modify the process of Lahaug to perform the etching with an RF frequency of 27 MHz or higher in order to increase the plasma density which will result in higher etch rates and higher etch selectivity.

10. It is also noted that Lahaug is silent about the specific volumetric ration of He versus the total flow rate of the etching gas being 80%.

McReynolds teaches SF₆ / O₂ / He plasma etch chemistry is conventionally used for etching silicon (column 1, line 34). On the top surface of the chamber 304, there is disposed a quartz window 306, which serves as a transparent medium to allow RF energy to enter the chamber (figure 3). McReynolds cites "Other gases that may be substituted for SF₆ include C₄F₈, CF₄, NF₃, and CHF₃." (column 5, line 19).

In Table 2 McReynolds teaches that the flow rate of each individual gas, in a silicon etching method, is adjustable, including the flow rate of He gas which is a result effective variable. In the examples provided in Table 2 of McReynolds, there are cases where He flow is 80% or more relative to the total gas flow. It is noted that McReynolds uses O₂ gas in etching. The reference of McReynolds is not relied on to teach and O₂ free etching method, Lahaug teaches SF₆ and He is sufficient to etch silicon. The reference of McReynolds is only relied on to teach the flow rate of each individual gas, in a silicon etching method, is adjustable, including the flow rate of He gas which is a result effective variable. In table 2 of McReynolds, removing Argon gas from the etching gas chemistry will result in a volumetric flow rate of the helium (He) gas introduced into

Art Unit: 1713

the treatment chamber is equal to 81.63%, which is more than 80% of a total volumetric flow rate of the etching gas. ($[400/(50+20+10+400)] = 0.8163$).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the process of Lahaug to adjust the He flow rate relative to the total gas flow rate because McReynolds teaches that the flow rate of each individual gas, in a silicon etching method, is adjustable, including the flow rate of He gas which is a result effective variable. In the examples provided in Table 2 of McReynolds, there are cases where He flow is 80% or more relative to the total gas flow, And since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

it is also noted that Lahaug is silent about adding polymer forming gases, McReynolds teaches Other gases that may be substituted for SF.sub.6 include C.sub.4 F.sub.8, CF.sub.4, NF.sub.3, and CHF.sub.3. Since it is prima facie obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose, then, for instance combining SF.sub.6 and CF.sub.4 (or C.sub.4 F.sub.8, and CHF.sub.3 all of which are polymer forming gases) is obvious since McReynolds teaches the two gases accomplish equivalent function as far as etching silicon is concerned. Since the applicant uses the open language expression "method comprising" which is interpreted by the examiner as more etching gases are comprised, it is hard, if not impossible to predict what removing the (CF₄) gas will do to the etching rate since there is no basis for comparison, namely the (potentially used) other gases

Art Unit: 1713

have not been specified by applicant in the open language claims. In the case of McReynolds removing the (CF₄) gas will definitely reduce the etching rate when (CF₄) gas (in case CF₄ is substituted for SF₆) is the only gas relied on to deliver the fluorine species for etching the layer since no other etching gas remains other than O₂ and Helium which lack the ability of providing fluorine.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the process of Lahaug by adding polymer forming gases because McReynolds teaches it is beneficial to do so.

One of ordinary skill in the art would have been motivated to modify the process of Lahaug by adding polymer forming gases in order to further control the etching profile of the etched feature as to polymer is conventionally used for sidewall passivation, and since it is prima facie obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose,

As to claims 24, 25, it is noted Lahaug is silent about an inside wall of the chamber being quartz. As discussed above McReynolds discloses such a feature.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the process of Lahaug to include a quartz window because McReynolds teaches it.

One of ordinary skill in the art would have been motivated to modify the process of Lahaug to include a quartz window in order to serve as a transparent medium to allow RF energy to enter the chamber (figure 3).

Regarding claims 26, 27, it is noted that Lahaug is silent about an additional CL2. McReynolds provides etching parameters in Table 2, where Helium gas flow is used between 100 to 400 sccm. When considered with relative to the range of the flow of the other SF₆, Cl₂, Ar gases, the He and Cl₂ of McReynolds gas flows overlap the ranges claimed by the applicant.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the process of Lahaug by adding Cl₂ to the silicon etching method in any amount including 10% of total flow of Lahaug because McReynolds teaches it is conventional do so.

One of ordinary skill in the art would have been motivated to modify the process of Lahaug by adding Cl₂ to the silicon etching method in order to further control etch rate and etch profile and selectivity. McReynolds teaches Cl₂ is an adjustable result effective parameter, it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

Claim Rejections - 35 USC § 103

Claims 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lahaug (US 6,338,938) in view of Mimura et al. (US 7,022,616) and McReynolds (US

Art Unit: 1713

6,191,043) as applied above to claims 20, 24, 25, 26, 27, and further in view of Kholodenko et al. (US 2003/0033979).

It is noted that Lahaug is silent about adding polymer forming gases.

McReynolds teaches other gases that may be substituted for SF.sub.6 include C.sub.4 F.sub.8, CF.sub.4, NF.sub.3, and CHF.sub.3. (column 5, line 19)

Kholodenko teaches "As an example, in the etching of silicon containing substrate material, the reactive gas may comprise a diluent gas such as nitrogen or argon; and the second process gas may comprise a reactive gas such as a halogen containing gas, such as for example, Cl.sub.2, BCl.sub.3, HCl, F.sub.2, CHF.sub.3, C.sub.4F.sub.6, CF.sub.4 and equivalents thereof." (paragraph 0023).

Kholodenko clearly suggests C.sub.4F.sub.6 is as effective as CF.sub.4 as an etchant for silicon containing substrate material (column 5, line 19).

McReynolds teaches SF.sub.6 is equivalent to CF.sub.4, Kholodenko clearly suggests C.sub.4F.sub.6 is equivalent to CF.sub.4. (paragraph 0023).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to expect C.sub.4F.sub.6 to perform similar etching functions as SF.sub.6. when the substrate to be etched contains silicon.

Since it is prima facie obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose, then, for instance combining

Art Unit: 1713

SF.sub.6 and CF.sub.4 (or SF.sub.6 and C.sub.4F.sub.6) is obvious since the above cited gases accomplish equivalent function as far as etching silicon.

Claim Rejections - 35 USC § 103

11. Claims 32, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lahaug (US 6,338,938) in view of Mimura et al. (US 7,022,616) and McReynolds (US 6,191,043) as applied to claims to claims 20, 21, 24-27, 30-31, above and further in view of Okumura (US 2003/0034542).

12. It is noted that Lahaug is silent about a second etching step.

Okumura discloses "Next, as shown in FIG. 11A, the photoresist mask 113 is removed. Next, as shown in FIG. 11B, with the silicon oxide layer 112 used as a mask, RIE is performed using SF.sub.6 and CF.sub.4 to selectively etch out the silicon plate 16a" (paragraph 01 013). The reference of Okumura is relied on only to teach that silicon is selectively etched using SF.sub.6 and CF.sub.4, it is not relied on to teach device manufacturing.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the process of Mimura modified by Mimura and McReynolds to split the etching process into two steps because McReynolds teaches a step (first step) using SF.sub.6 /O.sub.2 /He plasma etch chemistry is conventionally used for etching silicon and combining SF.sub.6 and CF.sub.4 (or C.sub.4 F.sub.8, NF.sub.3, and CHF.sub.3 all of which are polymer forming gases) is obvious since McReynolds teaches the two gases accomplish equivalent function as far as etching silicon.

One of ordinary skill in the art would have been motivated to split the etching process of Lahaug into two steps when selectivity to an underlayer silicon oxide is required. One of ordinary skill in the art would have been motivated to select SF.sub.6 and CF.sub.4 as the second step when the first etch step does not require selectivity in the etching, but the second step which exposes an underlayer requires selectivity to the underlayer.

Response to Arguments

1. Applicant's arguments filed 6/9/10 have been fully considered but they are not persuasive.
2. Regarding the new limitation of SOI, in applicant's claim 20, the preamble describes "performing plasma etching to a silicon-on-insulator (SOI) substrate, however, the claim does not specify that the silicon and the insulator are both etched, therefor, the examiner interprets the claim as etching only the silicon layer which is equivalent to etching silicon on any substrate since the insulator under layer is apparently not affected by the etching. The claims are silent about etching an insulator below a silicon layer.
3. As to applicant's argument about combining gases that are recognized equivalent by the prior art, the examiners maintains that it is prima facie obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same

Art Unit: 1713

purpose. The idea of combining them flows logically from their having been individually taught in the prior art.

4. Claim 31 is rejected with a new ground of rejection to address the new amendment to the claim.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAHMOUD DAHIMENE whose telephone number is (571)272-2410. The examiner can normally be reached on week days from 8:00 AM. to 5:00 PM..

Art Unit: 1713

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. D./
Examiner, Art Unit 1713

/Shamim Ahmed/
Primary Examiner, Art Unit 1713